

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CATHY ENWERE,

No. C 10-03235 SI

Plaintiff,

**ORDER DENYING SECOND REQUEST
FOR APPOINTMENT OF COUNSEL**

v.

SAN MATEO MENTAL HEALTH,

Defendant.


On October 5, 2010, the Court granted *pro se* plaintiff Cathy Enwere's application to proceed *in forma pauperis* but denied her request for appointment of counsel. With respect to the request for appointment of counsel, the Court denied the request after reviewing the documents filed in this case and the documents filed in Ms. Enwere's prior action (Case No. 07-1239). Based on that review, the Court found that Ms. Enwere's claims in this case are not likely to succeed and there are no exceptional circumstances requiring the appointment of counsel. October 5, 2010 Order at 3.

Ms. Enwere has now filed a second motion seeking appointment of counsel, arguing that she needs counsel because of her mental health issues. *See* Docket No. 19. While the Court is cognizant of the burdens that mental health issues may have with respect to a litigant's ability to prosecute his or her case, the Court will not appoint counsel here. As noted before, at this point in the litigation the Court has significant doubts that Ms. Enwere's claims are likely to succeed. Moreover, the documents filed by plaintiff in the case indicate that Ms. Enwere is able to explain the factual and legal bases for her claims. As such, the second request for appointment of counsel will be denied. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (court may appoint counsel to an indigent litigant under 28 U.S.C. section 1915(e)(1) in "exceptional circumstances" where there is a likelihood of success

1 on the merits and the plaintiff may not be able to articulate her claims *pro se* in light of the complexity
2 of the legal issues involved).

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4 **IT IS SO ORDERED.**

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6 Dated: November 10, 2010



SUSAN ILLSTON
United States District Judge